

## REMARKS

### I. Changes in the Claims and Abstract

The independent method claim 1 has been changed to indicate that an additional header is provided to appropriate standard traffic messages, which indicates the presence of additional information following these standard traffic messages. This additional information includes location information regarding changes or additions to already present location information following these standard traffic messages. Basis for this change in the amended claim 1 appears on pages 8 and 9 of the specification. Also note that the additional location information includes updated additional street names and their coordinates for a navigation system (page 10, lines 18 to 23, of the specification). See also the object of the invention on page 3, lines 1 to 10, of the specification.

The main apparatus claim 1 has been amended to claim a receiver that includes means for analyzing the traffic information to detect this additional header and to decode any additional information including the additional location information following the standard traffic message.

Corresponding changes have been made in the abstract.

## II. Anticipation Rejection based on Goss, et al

Method claims 1, 2 and 7 and apparatus claims 8 to 10 were rejected as anticipated under 35 U.S.C. 102 (b) by Goss, et al.

Claims 1 and 8 have been amended to distinguish their subject matter from Goss, et al.

Goss, et al, do disclose a device and a method for editing and outputting traffic information received in a motor vehicle. This traffic information is in the form of traffic messages in a standard format. The traffic information deals with events occurring, such as traffic jams, accidents and the like, and locations of these events, as indicated in column 4, line 55, to column 5, line 20. The device comprises a receiver for receiving the traffic messages in the standard format and a navigation device, which determines instantaneous vehicle location and includes a memory, in which location data is stored, in the usual form, such as on a CD or the like.

However the device and/or method for receiving traffic information of Goss, et al, also does not include means for modifying or adding to the location information, which is necessary, for example, when new streets are built or modifications of existing streets occur due to construction. The reason for that is that traffic messages in a standard format, such as the TMC format used in Goss (columns 4 to 7), are not flexible enough to include that added location information.

Method claim 1 has been amended to include subject matter from pages 8 and 9 of the specification and to distinguish it patentably from Goss, et al. The method includes adding a header to the standard traffic message, when location information in the traffic

message needs to be modified, added to and/or changed. This added header differs from the alert or warning signal within the standard TMC message that signals the radio receiver that the message is a TMC message. Then additional information including the modified location information or additional location information is added following the message.

The device of claim 8 has added features not present in the device of Goss, et al, that are used to analyze the TMC messages and extract the added features regarding the additional or modified location data. Thus this claimed device is also not anticipated by the disclosures in the Goss reference.

For the foregoing reasons and because of the changes in amended claims 1 to 8, withdrawal of the rejection of claims 1 to 8 as anticipated under 35 U.S.C. 102 (b) based on Goss, et al, is respectfully requested.

### III. Obviousness Rejection based on Goss, et al

Claims 3 to 6 were rejected under 35 U.S.C. 103 (a) as obvious over Goss, et al.

The basic differences introduced into method claim 1 are relied on to distinguish the combined subject matter of amended method claim 1 and dependent method claims 3 to 6 from the prior art reference, Goss, et al. These differences have been outlined above in connection with the anticipation rejection. A more detailed explanation of these differences is provided hereinbelow. It is respectfully submitted that any case of *prima facie* obviousness of the amended claim 1 that relies on Goss, et al, is not valid under 35 U.S.C. 103 (a).

In more detail, Goss, et al, disclose a vehicle navigation system that takes digitally coded traffic messages, which are received by radio and signal traffic problems, into consideration (column 1, line 60, to column 2, line 2; column 3, lines 40 to 45) in a route calculation from a starting point to a destination input by the user. Alternatively a calculated route can be used to select traffic messages to be displayed to avoid displaying an unnecessarily large number of traffic messages to the driver (column 2, lines 26 to 40).

The coding of these TMC traffic messages occurs in a standard format, especially according to the Alert-C protocol mentioned in the description section of the Goss patent. The resulting coded TMC traffic messages are transmitted as part of the RDS (radio data system, similar to the RBDS commercially available in the USA).

The above-mentioned RDS-TMC messages include a warning or alert signal that informs the radio receiver that a coded traffic message occurs in the RDS signal. This warning or alert signal could be interpreted as a "header" within the coded traffic message. In addition, the TMC message does include some position or location information regarding a traffic problem.

Method claim 1 has now been amended to claim a method in which an optional header is additionally provided in front of the TMC message to signal modification of location information or addition of additional location information. This header, which is in addition to any alert signal provided within the TMC message, is not part of the traffic message in standard format, namely the regular TMC message, of Goss, et al. In addition to this additional header, additional information is added in fields following the TMC message as claimed in step b) of the amended claim 1.

However the TMC traffic signal disclosed in Goss, et al, does include a location

code according to the Alert-C protocol, which designates the respective geographic position at which e.g. a traffic problem is to be found. Since the address space in the navigation system for the location codes is limited, the number of locations that can be stored or designated is limited using the TMC traffic signal in its standard format. Consequently the encoding of locations must be limited to locations of special significance, such as essential traffic locations, e.g. expressway entrances and exits, or major road intersections. Thus troublesome locations, for example, on the autobahn or a major highway may be described, e.g., in terms of an array of coded expressway entrances and exits, expressway intersections and the like. A transmission of the exact location of the traffic problem is thus not possible with the TMC traffic signal in its standard format.

The present application is an extension or improvement in this type of TMC traffic system. The inventive method and apparatus of the present invention provide for transmitting additional information, in addition to the known location codes used in traffic messages in the known standard format, namely in the TMC traffic messages. This additional information can comprise more exact location descriptions for traffic difficulties (e.g. page 14 of the German description; there it states that the additional information permits an exact description of the location of the start of the traffic jam and its end). Alternatively the additional information can also amount to a more complete location name and otherwise location-related additional information.

However this additional information cannot be transmitted within the current RDS-TMC traffic message, since it is limited to the Alert-C-Protocol for compatibility reasons. Thus the present invention involves transmitting additional information in the form of an

addition to the known TMC messages, which is signaled by the added header of claim 1, step a), which is not within the standard TMC message format. The required announcement in the additional header is necessary, so that the receiver can correctly interpret the modified traffic message.

Goss, et al, do describe a method and device for editing and displaying some data regarding traffic blockages to a driver of a motor vehicle. The traffic information is received by a radio receiver and edited by means of information from a navigation device or used by the navigation device to modify route calculations.

Applicants' inventive method is an improvement in the detailed method for transmitting such traffic messages in a standard format, which permits a large amount of additional data to be transmitted to the vehicle, including modified and more detailed location data for the traffic difficulties. One embodiment of the method that is improved by applicants is disclosed in columns 4 to 7 of Goss, et al, but the details of that prior art method are not claimed in Goss, et al.

Goss, et al, provide no hint or suggestion of the added location-related information. Similarly Goss, et al, provide no suggestion for completing or modifying the existing RDS-TMC traffic messages to accommodate additional information including more precise location data.

It is well established by many U. S. Court decisions that to reject a claimed invention under 35 U.S.C. 103 there must be some hint or suggestion in the prior art of the modifications of the disclosure in a prior art reference or references used to reject the claimed invention, which are necessary to arrive at the claimed invention. For example, the Court of Appeals for the Federal Circuit has said:

"Rather, to establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant...Even when obviousness is based on as single reference there must be a showing of a suggestion of motivation to modify the teachings of that reference.." *In re Kotzab*, 55 U.S.P.Q. 2<sup>nd</sup> 1313 (Fed. Cir. 2000). See also M.P.E.P. 2141

For the foregoing reasons and because of the changes in claim 1, withdrawal of the rejection of claims 3 to 6 as obvious under 35 U.S.C. 103 (a) over Goss, et al, is respectfully requested.

Furthermore it is respectfully submitted that none of the pending amended claims 1 to 2 and 7 to 10 should be rejected as obvious under 35 U.S.C. 103 (a) over Goss, et al.

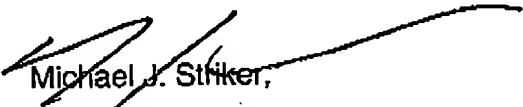
Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

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